
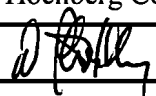


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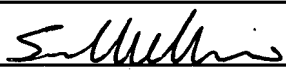
	Application Number	10/584,226
	Filing Date	June 23, 2006
	First Named Inventor	Walter Blum
	Art Unit	1772
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	RO4265US (#90568)

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	IPRP and return postcard receipt
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Please charge any fee to applicant's attorney's Deposit Account No. 08-2441.	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	D. Peter Hochberg Co., L.P.A.		
Signature			
Printed name	D. Peter Hochberg		
Date	May 11, 2007	Reg. No.	24,603

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Sean Mellino	Date	5/11/07

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>Effective on 12/08/2004.</b> Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <b>FEE TRANSMITTAL</b> <b>For FY 2007</b> MAY 14 2007		<b>Complete if Known</b>	
Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/584,226
TOTAL AMOUNT OF PAYMENT (\$)		Filing Date	June 23, 2006
		First Named Inventor	Walter Blum
		Examiner Name	
		Art Unit	1772
		Attorney Docket No.	RO4265US (#90568)

**METHOD OF PAYMENT (check all that apply)**

☐ Check  
 ☐ Credit Card  
 ☐ Money Order  
 ☒ None  
 ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account  
 Deposit Account Number: 08-2441  
 Deposit Account Name: D. Peter Hochberg Co., L.P.A.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below  
 ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  
 ☐ Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
_____ - 20 or HP = _____	x _____	= _____
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
_____ - 3 or HP = _____	x _____	= _____
HP = highest number of independent claims paid for, if greater than 3.		

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

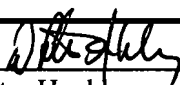
Total Sheets \_\_\_\_\_ Extra Sheets \_\_\_\_\_ Number of each additional 50 or fraction thereof \_\_\_\_\_ Fee (\$)  
 \_\_\_\_\_ - 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x 250.00 = Fee Paid (\$) 0.00

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \_\_\_\_\_

Fees Paid (\$)

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	24,603
Name (Print/Type)	D. Peter Hochberg	Telephone	216-771-3800
		Date	May 11, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

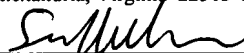
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Date

5/11/07



Sean Mellino



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Walter Blum, et al.

Serial No. : 10/584,226 / Confirmation No.: 9147

Filed : June 23, 2006

Title : Sealing Tape for Adhesive Bonding of Vapour Barrier  
Films and Vapour Retarder Films, and Process for its  
Manufacture (per preliminary amendment)

Examiner : \_ / Art Unit: 1772

Attorney Docket : RO4265US (#90568)

Commissioner for Patents  
P O Box 1450  
Alexandria, Virginia, 22313-1450

**LETTER**

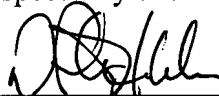
Dear Sir:

For inclusion in the record of the referenced patent application is an English translation of the "International Preliminary Report on Patentability" rendered on February 24, 2006 with respect to PCT/EP2004/014329 from which this is a 371 application.

Respectfully submitted,

Date:

May 11, 2007



D. Peter Hochberg  
Reg. No. 24,603

D. Peter Hochberg Co., L.P.A.  
1940 E. 6<sup>th</sup> Street - 6<sup>th</sup> Floor  
Cleveland, OH 44114  
(216) 771-3800

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

**Eingegangen**

FLACCUS, Rolf-Dieter  
Bussardweg 10  
50389 Wesseling  
ALLEMAGNE

04. JAN. 2007

FRIST:.....

Date of mailing (day/month/year) 28 December 2006 (28.12.2006)	
Applicant's or agent's file reference LKG 004/2003 PCT	IMPORTANT NOTIFICATION
International application No. PCT/EP2004/014329	International filing date (day/month/year) 16 December 2004 (16.12.2004)
Applicant LOHMANN GMBH & CO. KG et al	

## 1. Transmittal of the translation to the applicant.

- ☐ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).
- ☒ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

## 2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Ellen Moyse

Facsimile No. +41 22 338 82 70

Facsimile No. +41 22 338 82 70

TRANSLATION

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>LKG 004/2003 PCT</b>	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. <b>PCT/EP2004/014329</b>	International filing date (day/month/year) <b>16.12.2004</b>	Priority date (day/month/year) <b>23.12.2003</b>
International Patent Classification (IPC) or national classification and IPC <b>C09J7/00</b>		
Applicant <b>LOHMANN GMBH &amp; CO. KG</b>		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 9 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☒ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input checked="" type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report <b>24.02.2006</b>
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/014329

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-6 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* 1-14 \_\_\_\_\_ received by this Authority on 06.02.2006 with letter
- nos.\* \_\_\_\_\_ received by this Authority on of 03.02.2006
- ☐ the drawings:
- sheets \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/014329

Box No. II      Priority

1. ☐ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:
- ☐ copy of the earlier application whose priority has been claimed (Rule 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 66.7(b)).
2. ☐ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

The claimed priority is considered valid.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/014329

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims		YES
	Claims	1-17	NO
Inventive step (IS)	Claims		YES
	Claims	1-17	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Reference is made to the following documents:			
D1: DE 100 63 018 A1 (TESA AG)			
D2: EP-A-1 262 532 (3M INNOVATIVE PROPERTIES COMPANY)			
D3: GB-A-1 357 586 (NORTON CO)			
D4: WO 2004/108851 A (3M INNOVATIVE PROPERTIES COMPANY)			
D5: EP-A-0 604709 (LOHMANN GMBH & CO. KG; LOHMANN GMBH & CO KG)			
1. Novelty			
1.1 Independent claim 1 of the present application, in the original version thereof, discloses:			
a) self-adhesive, flexible sealing strip, comprising			
b) at least one flexible, self-adhesive core, or at least one flexible, self-adhesive support layer, provided with			
c) a sheathing or a double-sided coating of a second adhesive system.			
1.2 D1 discloses a) a double-sided adhesive film made from b) a flexible support material, containing, in addition to elastomers, 30-70 wt. % of an			



Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>adhesive resin. The elastomers are, for example, styrol-butadiene or styrol-isoprene block copolymers. <b>c)</b> The elastomer support material is coated with an acrylate dispersion as contact adhesive. Ethyl hexyl acrylate and butyl acrylate in particular, are used as acrylates (see the whole document).</p> <p><b>1.3</b> Claims 1-4, 9-11 and 15-17 therefore do not meet the requirements of PCT Article 33(1) as they are not novel over <b>D1</b> under PCT Article 33(2).</p> <p><b>1.4</b> <b>D2</b> discloses <b>a)</b> a sealing adhesive strip made from <b>b)</b> a layer of a hot-melt adhesive which contains, for example, PE, PP and the copolymers thereof. <b>c)</b> A layer of a pressure-sensitive adhesive made from acrylates is applied to the layer of hot-melt adhesive. A second layer of adhesive can also be present. The pressure sensitive adhesive layer may also be foamed. <b>d)</b> In addition, fibres, random fibre layers and woven materials are used for reinforcement (abstract; paragraphs [0015]-[0017] and [0036]-[0047]; claims).</p> <p><b>1.5</b> Claims 1, 2 and 5-17 therefore do not meet the requirements of PCT Article 33(1), as they are not novel over <b>D2</b> under PCT Article 33(2).</p> <p><b>1.6</b> <b>D3</b> discloses <b>a)</b> an adhesive strip made from <b>b)</b> a layer of hot-melt adhesive comprising, for example, styrol copolymers, polyisobutylene, etc. <b>c)</b> coated on one side with a pressure-sensitive adhesive made from acrylate (page 1, lines 20-25; page 2, lines 22-127; claim 1).</p> <p><b>1.7</b> Claims 1-17 of the present application therefore meet the requirements of PCT Article 33(2), as</p>

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/014329

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

they are novel over D3.

- 1.8 The applicant is advised that D4, identified in the international search report by "E" is considered relevant to novelty after entry into the regional european phase before the European Patent Office.

## 2. Inventive Step

- 2.1 As none of the present claims 1-17 is novel over D1 and D2 of the prior art, no inventive step in the sense of PCT Article 33(3) is involved.
- 2.2 It is advised that hot-melt adhesive is generally known, as, for example, in D5.

## 3. Industrial Applicability

- 3.1 The subject matter of claims 1-17 is industrially applicable.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/014329

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**Clarity - PCT Article 6**

According to the PCT Guidelines II 5.40, expressions like "preferably", "optionally" or "particularly", as used in claims 9, 11 and 17 of the present application, do not limit the scope of protection of the claims. It is advised that a feature following such an expression should be regarded as entirely optional. If such an expression is intended to limit the scope of protection then it must be made the subject matter of a dependent claim.

## Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX 1

**Basis of the report****1. Amendments - PCT Article 34(2)(b)**

- 1.1 The amendments submitted with the letter of 03 February 2006 introduce substantive matter which, contrary to PCT Article 34(2)(b), goes beyond the disclosure in the original version of the international application. The reasons are as follows:
- 1.2 From the wording of the original dependent claim 3 it is not clear whether all polymers cited in this claim for the core/support layer or only the acrylates are *"cross-linked thermally or by means of UV radiation"*.
- 1.3 Support for the formulation *"...copolymers of vinyl acetate, polyisobutylene and acrylates cross-linked thermally or by means of UV radiation"* that is to say a limitation of the cross-linking to the acrylates, may only be found on page 4, paragraph 1 of the original description.
- 1.4 From the description on page 4, paragraph 1 it is clear that the particularly suitable core materials and here more particularly the *"acrylates cross-linked thermally or by means of UV radiation"* *"exhibit a glass transition temperature ( $T_g$ ) of less than 0°C due to the formulation thereof"*. This feature is absent in the amended independent claim 1 of the present application and first appears in the amended

## Supplemental Box

dependent claim 2 of the present application.

- 1.5 Also to be taken into account is that styrol block copolymers as claimed for the core/support layer, generally exhibit two  $T_g$  values, that is to say one  $T_g$  value for each different block. The value for the glass transition temperature of a styrol block will always be over  $0^{\circ}\text{C}$ .
- 1.6 A person skilled in the art would thus interpret from the first paragraph of page 4 that the indicated  $T_g$  values only relate to the acrylates.
- 1.7 This indication is however missing from the amended independent claim 1, said claim thus being inadmissibly extended, as the amended version includes all acrylates and not only those with a  $T_g$  value of less than  $0^{\circ}\text{C}$ . The amended independent claim 1 thus goes beyond the disclosure of the original application.
- 1.8 Claims 1-17 in the original version thereof thus form the basis of the present international preliminary examination report.